

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LARRY SHAFFER; NWFEX, INC.;
NORTHWEST FINANCIAL EXPRESS, INC.;
and GOLD FINANCIAL EXPRESS, INC.

PLAINTIFFS

v. Civil No. 06-5103

ALLEN W. BIRD II, TRUSTEE, and
FREDRICK S. WETZEL III, SUCCESSOR
TRUSTEE, and INTERNATIONAL SURETIES
LIMITED, his Surety Bond Company

DEFENDANTS

O R D E R

Now on this 12th day of January, 2007, comes on for consideration **International Sureties Limited's Motion To Dismiss** (document #14), to which there has been no response, and from said motion, the Court finds and orders as follows:

1. Plaintiffs, three corporations and an individual alleged to own them, brought suit against Allen W. Bird II ("Bird"), the Trustee in the corporations' bankruptcies; Frederick S. Wetzel III ("Wetzel"), the Successor Trustee to Bird; and International Sureties Limited, as Wetzel's bonding agent. The allegations have to do with monetary losses allegedly sustained in connection with the bankruptcies.

2. International Sureties Limited now moves for dismissal, asserting that it is not a party to the surety bond at issue in this case. Its motion exhibits a copy of the bond, points out that there is no mention of International Sureties Limited on the face of the bond, and affirmatively states that International

Sureties Limited is "merely a bonding agent authorized to sell bonds on behalf of surety companies."

3. There is no dispute from the plaintiff as to the authenticity of the bond exhibited to the motion, nor as to the analysis of the motion and brief, and the Court finds the contentions of the movant to have merit.

IT IS THEREFORE ORDERED that **International Sureties Limited's Motion To Dismiss** (document #14) is **granted**, and plaintiffs' claims against International Sureties Limited are hereby **dismissed**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE